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BROMELL, ALEXANDRIA Y	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary	Application No.	Applicant(s)	
	10/526,287	WILENSKY, GREGG D.	
	Examiner	Art Unit	
	ALEXANDRIA Y. BROMELL	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 November 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 59* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 59* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 March 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/24/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed November 24, 2008 have been fully considered but they are not persuasive.

Applicant argues:

A. “that the portions of Stan relied upon by the examiner do not teach or suggest combining information obtained based on each of the plurality of reference objects pertaining to the first common feature to produce composite reference information that specifies the first common feature as the search criterion” (Remarks, page 20).

B. “that calculating a similarity or dissimilarity between images is not the same as combining information obtained based on each of the plurality of reference objects pertaining to the first common feature to produce composite reference information that specifies a first common feature as a search criterion" (Remarks, page 21).

C. “that clustering images is not the same as specifying a first common feature as a search criterion" (Remarks, page 22).

D. “Barber neither teaches or suggests combining information obtained based on each of a plurality of reference objects pertaining to a feature, let alone a second feature common to the plurality of reference objects” (Remarks, pages 23 – 24).

E. “For at least the same reasons as set forth above,” claims 1, 8 – 23, 25, 27 - 29, 36 – 51, 53, 55, and 57 – 59 are allowable (Remarks, pages 22 - 25).

Examiner respectfully disagrees all of the allegations as argued. Examiner, in her previous office action, gave a detailed explanation of the claimed limitations and pointed out exact locations in the cited prior art.

Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. See MPEP 2111 [R-1].

Interpretation of Claims-Broadest Reasonable Interpretation

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

Examiner addresses Applicant's arguments A – E as follows:

In response to argument A, Stan teaches combining information based on each of the plurality of reference objects using a color similarity metric for different data objects as a common feature for search criterion (page 380: 3.1 Color Similarity Metric, lines 17 - 24).

In response to argument B, Stan teaches that the composite reference information not only measures similarity or dissimilarity between data objects, but it also combines information, obtained from data objects like color and hue values (page 380, lines 25 - 29).

In response to argument C, Clustering is not responsible for establishing a search criteria, Stan teaches that clustering allows a user to search for similar objects.

Data objects are identified using the color - WISE representation and HSV (page 379, lines 3 -30).

In response to argument D, Barber teaches that image objects like color, texture, size, shape, and layout are combined to produce additional search information (column 2, lines 43 – 52, column 5, lines 57 - 59).

In response to argument E, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on November 24, 2008 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

Claim 1 is objected to because of the following informalities:

The term "non - Euclidian" in claim 1 is a relative term which renders the claim indefinite. The term "non - Euclidian" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 – 28 and 57 – 59 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1 and 28 are rejected under 35 U.S.C. 101 because they recite "a method for searching a collection of media objects," without confining their method steps to a "particular machine" (e.g. a general purpose computer). The body of the claim is not tied to another statutory class such as a particular apparatus; or physically transform the underlying subject matter. Thus, it is non-statutory [Diamond v. Diehr, 450 U.S. 175, Parker v . Flook, 437 U.S. 584, Gottschalk v. Benson, 409 U.S. 63 and Cochrane v. Deener, 94 U.S. 780].

The Supreme Court precedent and recent Federal Circuit decisions have enunciated a definitive test to determine whether a process claim is tailored narrowly enough to encompass only a particular application of a fundamental principle rather than pre-empt the principle itself. A claimed process is surely patent-eligible under § 101 if: (1) it is tied to another statutory class (such as a particular apparatus), or (2) it transforms underlying subject matter (such as an article or materials) to a different state or thing. **In re Bilski**, No. 2007-1130 (Fed. Cir. Oct. 30, 2008).

Claims 2 – 27 are dependent claims and do not cure the deficiency of the non-statutory subject matter.

Claims 57 – 59 are directed towards a syatem for searching a collection of media objects. However, it is noted that the use of the word "system" does not inherently mean that the claims are directed towards a machine or article of manufacture. The claimed invention is also addressed to receiving a plurality of reference objects, combining information, comparing the references, all of which can be interpreted as comprising entirely of software per se according to one of ordinary skill in the art. Therefore, the claim language fails to provide the necessary hardware required for the claim to fall within the statutory category of a machine or article of manufacture.

According to MPEP 2106:

The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.").

In view of Applicant's disclosure, specification paragraph [0105], the present invention may be embodied in hardware and/or software. Although Applicant argues that claims using the "means for" language do not need associated hardware (remarks, page 19), Examiner asserts that the system claim may not be embodied in hardware and/or software, as the specification requires. Accordingly, the claim may become nothing more than a set of software instructions which are "software per se".

"Software per se" is non-statutory under 35 USC 101 because it is merely a set instruction without any defined tangible output or tangible result being produced. The requirement for tangible result under 35 USC 101 is defined in *State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 149 F.3d 1368, 47USPQ2d 1596 (Fed. Cir. 1998).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 - 7, 24, 26, 29 - 35, 52, 54, and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by Daniela Stan et al. ("Image Retrieval using a Hierarchy of Clusters," ACM March 2001, Lecture Notes In Computer Science, Volume 2013, pages 377 - 386).

With respect to claim 1, Stan teaches receiving a plurality of reference objects to define a first feature common to the plurality of reference objects as a search criterion (i.e. receiving information based on each of the plurality of reference objects using a color similarity metric for different data objects as a common feature for search criterion, page 380: 3.1 Color Similarity Metric, lines 17 – 24) combining information obtained based on each of the plurality of reference objects pertaining to the first common feature to produce composite reference information that specifies the first common feature as the search criterion (i.e. the composite reference information not only measures similarity or dissimilarity between data objects, but it also combines information, obtained from data objects like color and hue values, page 380, lines 25 - 29, and type and nature of object features are used for indexing and retrieval, page 377, lines 13-25), and comparing the composite reference information to information pertaining to a same feature for each media object in a first plurality of media objects in the collection of

media objects to identify one or more of the media objects (i.e. comparing image indexes allows similar images to be identified, page 380, lines 18-26), wherein a non-Euclidian function is used to combine the information pertaining to the feature, or to compare the composite reference information to information pertaining to the same feature (i.e. non-Euclidean functions are used to determine features, page 378, lines 25-34).

With respect to claim 2, Stan teaches receiving user input specifying the plurality of reference objects (i.e. user can query for images, page 378, lines 1-23).

With respect to claim 3, Stan teaches selecting a media object in the collection of media objects based on the comparison of the information pertaining to the same feature for each media object and the composite reference information (i.e. a media object may be selected as a retrieval result for a search, page 385,lines 1-5).

With respect to claim 4, Stan teaches the plurality of reference objects includes one or more objects having a type selected from: audio, image, text, CD, or video (i.e. retrieved objects are images, page 377, lines 13-25).

With respect to claim 5, Stan teaches combining information pertaining to the first common feature includes combining information for different types of objects (i.e. different types of objects can be indexed, page 377, lines 13-25).

With respect to claim 6, Stan teaches combining information pertaining to the first common feature includes determining an intersection of the information for the reference objects (i.e. matching of items presents the intersection of similar items, page 378, lines 1-7).

With respect to claim 7, Stan teaches combining information pertaining to the first common feature includes determining the union of the information for the reference objects (i.e. image retrieval retrieves similar items, not exact items, which may be the union of objects, page 378, lines 1-7).

With respect to claim 24, Stan teaches combining the feature vectors includes using a Min or Max function (i.e. max function used for similarity values, page 382, lines 1-3).

With respect to claim 26, Stan teaches comparing the composite reference vector to the feature vectors of each of a plurality of media objects includes using a Min or Max function (i.e. max function used for similarity values, page 382, lines 1-3).

With respect to claim 29,Stan teaches combine information pertaining to a feature common to a plurality of reference objects to produce composite reference information representing criteria for a search (i.e. type and nature of object features are used for indexing and retrieval, page 377, lines 13-25), compare the composite reference information to information pertaining to the same feature for each respective one of a plurality of media objects in a collection of media objects to identify one or more media objects (i.e. comparing image indexes allows similar images to be identified, page 380, lines 18-26), wherein a non-Euclidian function is used either to combine the information pertaining to the feature, or to compare the composite reference information to information pertaining to the same feature (i.e. non-Euclidean functions are used to determine features, page 378, lines 25-34).

With respect to claim 30,Stan teaches receive user input specifying the plurality of reference objects (i.e. user can query for images, page 378, lines 1-23).

With respect to claim 31,Stan teaches select a media object in the collection of media objects based upon the comparison of the information pertaining to the feature for each media object and the composite reference information (i.e. a media object may be selected as a retrieval result for a search, page 385,lines 1-5).

With respect to claim 32,Stan teaches the plurality of reference objects includes one or more objects having a type selected from: audio, image, text, CD, or video (i.e. retrieved objects are images, page 377, lines 13-25).

With respect to claim 33,Stan teaches instructions to combine information pertaining to a feature common to a plurality of reference objects include instructions to combine information for different types of objects (i.e. different types of objects can be indexed, page 377, lines 13-25).

With respect to claim 34, Stan teaches instructions to combine information pertaining to a feature common to a plurality of reference objects to produce composite reference information include instructions to determine the intersection of the information for the reference objects (i.e. matching of items presents the intersection of similar items, page 378, lines 1-7).

With respect to claim 35, Stan teaches instructions to combine object information pertaining to a feature common to a plurality of reference objects to produce composite reference information include instructions to determine the union of the information for

the reference objects (i.e. image retrieval retrieves similar items, not exact items, which may be the union of objects, page 378, lines 1-7).

With respect to claim 52, Stan teaches combining the feature vectors includes using a Min or Max function (i.e. max function used for similarity values, page 382, lines 1-3).

With respect to claim 54, Stan teaches comparing the composite reference vector to the feature vectors of each of a plurality of media objects includes using a Min or Max function (i.e. max function used for similarity values, page 382, lines 1-3).

With respect to claim 57, Stan teaches means for combining information pertaining to a feature common to a plurality of reference objects to produce composite reference information representing criteria for a search (i.e. type and nature of object features are used for indexing and retrieval, page 377, lines 13-25), means for comparing the composite reference information to information pertaining to the same feature for each respective one of a plurality of media objects in a collection of media objects to identify one or more media objects (i.e. comparing image indexes allows similar images to be identified, page 380, lines 18-26), wherein a non-Euclidian function is used either to combine the information pertaining to the feature, or to compare the composite reference information to information pertaining to the same feature (i.e. non-Euclidean functions are used to determine features, page 378, lines 25-34).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8 - 23, 25, 27 - 28, 36 - 51, 53, 55 - 56, and 58 - 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniela Stan et al. ("Image Retrieval using a Hierarchy of Clusters," ACM March 2001, Lecture Notes In Computer Science, Volume 2013, pages 377-386) in view of Ronald Barber et al. (US Patent 5,751,286).

With respect to claim 8, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose combining and comparing reference information.

However, Barber teaches combining information obtained based on each of the plurality of reference objects pertaining to a second feature common to the plurality of reference objects to produce additional composite reference information that specifies the second common feature as an additional search criterion (i.e. Barber teaches that image objects like color, texture, size, shape, and layout are combined to produce additional search information (column 2, lines 43 – 52, column 5, lines 57 - 59), and to produce extra criteria for the search, the system allows the use of a drag and drop feature, column 5, lines 13-26), and comparing the additional composite reference information to information pertaining to the second common feature for each media

object in the first plurality of media objects to identify one or more media objects (i.e. an image query is run to identify similar media objects using thumbnail identification information previously stored, and implemented with the drag and drop method, column 5, lines 13-38).

Stan and Barber are analogous art because they are from the same field of endeavor of image query and retrieval. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67). Therefore, it would have been obvious to combine Barber with Stan to obtain the invention as specified in the instant claims.

With respect to claim 9, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose weighting.

However, Barber teaches the information pertaining to a feature and the information pertaining to a second feature is weighted to specify a relative importance of the features (i.e. weights are used to determine relative importance in queries using composite images, column 10, lines 15-33).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so

would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 10, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose feature importance.

However, Barber teaches receiving user input indicating the relative importance of the feature and the second feature (i.e. the user is able to alter weights to determine relative importance, column 10, lines 15-33).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 11, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose frequency.

However, Barber teaches the feature and the second feature are each represented by a relative frequency of occurrence of a feature value (i.e. feature computation is disclosed, giving data on the most frequently occurring colors in the form of a histogram, column 16, lines 15-22).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so

would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 12, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose frequency.

However, Barber teaches information pertaining to the feature and information pertaining to the second feature includes color information describing the relative frequency of occurrence of colors in an object (i.e. feature computation is disclosed, providing data on the most frequently occurring colors using a histogram, column 16, lines 15-22).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 13, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose mapping of features.

However, Barber teaches information pertaining to the feature is mapped to information pertaining to the second feature (i.e. comparison of appended information from a second feature to an original feature, column 9, lines 40-61).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so

would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 14, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose combining feature information.

However, Barber teaches combining information pertaining to the feature for an additional reference object with the composite reference information to revise the composite reference information (i.e. the ability of the system to add features is done dynamically through drag and drop of images, column 5, lines 13-26). Stan and Barber are analogous art because they are from the same field of endeavor of image query and retrieval. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 15, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose comparing features.

However, Barber teaches the additional reference is a media object identified by comparing the composite reference information to information pertaining to the feature for each respective one of the plurality of media objects (i.e. comparing composite reference information to features of a plurality of media objects, column 9, lines 47-61).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve

images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 16, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose comparing reference information.

However, Barber teaches comparing the revised composite reference information to information for the feature for each of a second plurality of media objects in the collection of media objects (i.e. comparing a revised composite reference to a plurality of media objects, column 9, lines 47-61, and column 10, lines 34-38).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 17, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose comparing all the same features of objects.

However, Barber teaches comparing the composite reference information to information pertaining to the same feature for each respective one of a plurality of media objects in a collection of media objects includes assigning a similarity value (i.e. similarity value is assigned, column 14, lines 44-67) to each respective one of the media

objects in the collection of media objects, each similarity value indicating the similarity of the information for the media object and the composite reference information (i.e. correlation of similarity score between media composite reference and media object, column 16, lines 61-67, and column 17, lines 1-14).

Stan and Barber are analogous art because they are from the same field of endeavor of image query and retrieval. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 18, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose a specific way to compare similarity values.

However, Barber teaches each similarity value of each of the media objects in the collection of media objects is less than or equal to a similarity value calculated for each reference object (i.e. similarity measure equal to or less than a reference, column 17, lines 5-17).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 19, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose ranking the media objects.

However, Barber teaches ranking the media objects according to their similarity values (i.e. images are ranked according to similarity to the query, column 16, lines 65-67, column 17, lines 1-4), and selecting one or more media objects in the collection of media objects based upon its rank (i.e. images are output according to their rank, which allows the user to select according to rank, column 17, lines 2-4).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 20, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose that the second feature is a feature vector component.

However, Barber teaches for each reference and media object, the information pertaining to the feature and the information pertaining to the second feature is expressed as a feature vector of components (i.e. corresponding data representations, in vector form, are used to represent features, column 6, lines 61-67, column 7, lines 13-25).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve

images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 21, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose a composite feature vector.

However, Barber teaches combining information pertaining to a feature and combining information pertaining to a second feature common to a plurality of reference objects includes combining the feature vectors of the plurality of reference objects to produce a composite reference vector (i.e. combination of corresponding data representations by dragging and dropping images onto an image query window, which is not limited to the initial image, but can be edited using an edit function, column 7, lines 13-47, column 10, lines 34-38).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 22, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose metadata.

However, Barber teaches each feature vector includes one or more components representing metadata associated with the corresponding reference or media object (i.e. vectors are composed of reference object information, column 6, lines 61-66), and

combining information pertaining to a feature and combining information pertaining to a second feature common to a plurality of reference objects includes combining components representing the feature or the second feature according to a first combination function and combining the one or more components representing metadata associated with each reference object according to a second combination function (i.e. combining feature information and representing metadata associated with each object, and an arithmetic or logical method can be used to combine images, column 10, lines 1-6).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 23, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose weighting.
However, Barber teaches defining a weighting vector for the feature and the second feature, the weighting vector specifying a relative importance for the corresponding features (i.e. weighting feature, column 10, lines 15-33), wherein combining the feature vectors includes using the weighting vector to specify a relative importance of the features (i.e. weighting determines importance, Fig 4).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve

images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 25, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose comparing the same features of objects.

However, Barber teaches comparing the composite reference information to information pertaining to the same feature for each respective one of a plurality of media objects in a collection of media objects includes comparing the composite reference vector to a feature vector of each of the plurality of media objects in the collection of media objects (i.e. similarity is determined by comparing information from various reference objects, column 2, lines 14-27).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 27, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose a combination function.

However, Barber teaches combining information pertaining to a feature common to a plurality of reference objects includes using a combination function (i.e. image information combined arithmetically or logically, column 10, lines 1-6), comparing the

composite reference information to information pertaining to the same feature for each respective one of a plurality of media objects in a collection of media objects includes using a comparison function that is based upon the combination function (i.e. comparing reference information, column 8, lines 37-38).

Stan and Barber are analogous art because they are from the same field of endeavor of image query and retrieval. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 28, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan also teaches combining includes combining the feature vectors of the plurality of reference objects using a Min or Max function to produce a composite reference vector (i.e. max function used for similarity values, page 382, lines 1-3), and comparing the composite reference information to information pertaining to the same feature for each respective one of a plurality of the media objects in the collection of media objects, wherein comparing includes comparing the composite reference vector to the feature vectors of each media object in the collection of media objects using a Min or Max function and assigning a similarity value to each media object in the collection of media objects, the similarity value indicating the similarity of the feature vector of the media object to the composite reference vector, where the similarity value of each of the media objects in the collection of media objects is less than or equal to a

similarity value calculated for each reference object (i.e. max function used for similarity values, page 382, lines 1-3). Stan does not explicitly disclose how to combine information for two or more common features.

However, Barber teaches combining information pertaining to two or more features common to a plurality of reference objects to produce composite reference information representing criteria for a search (i.e. to produce extra criteria for the search, the system allows the use of a drag and drop feature, column 5, lines 13-26), wherein the information is expressed as a feature vector of components (i.e. corresponding data representations, in vector form, are used to represent features, column 6, lines 61-67, column 7, lines 13-25).

Stan and Barber are analogous art because they are from the same field of endeavor of image query and retrieval. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 36, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose combining and comparing reference information.

However, Barber teaches instructions to combine information pertaining to a second feature common to the plurality of reference objects to produce additional composite reference information representing criteria for the search(i.e. to produce extra

criteria for the search, the system allows the use of a drag and drop feature, column 5, lines 13-26), and instructions to compare the additional composite reference information to information pertaining to the second feature for each respective one of the plurality of media objects in the collection of media objects to identify one or more media objects(i.e. an image query is run to identify similar media objects using thumbnail identification information previously stored, and implemented with the drag and drop method, column 5, lines 13-38).

Stan and Barber are analogous art because they are from the same field of endeavor of image query and retrieval. Stan and Barber are analogous art because they are from the same field of endeavor of image query and retrieval. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 37, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose weighting.

However, Barber teaches the information pertaining to a feature and the information pertaining to a second feature is weighted to specify a relative importance of the features(i.e. weights are used to determine relative importance in queries using composite images, column 10, lines 15-33).

Stan and Barber are analogous art because they are from the same field of endeavor of image query and retrieval. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 38, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose feature importance.

However, Barber teaches receive user input indicating the relative importance of the feature and the second feature (i.e. the user is able to alter weights to determine relative importance, column 10, lines 15-33).

Stan and Barber are analogous art because they are from the same field of endeavor of image query and retrieval. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 39, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose frequency.

However, Barber teaches the feature and the second feature are each represented by a relative frequency of occurrence of a feature value (i.e. feature

computation is disclosed, giving data on the most frequently occurring colors in the form of a histogram, column 16, lines 15-22).

Stan and Barber are analogous art because they are from the same field of endeavor of image query and retrieval. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 40, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose frequency.

However, Barber teaches information pertaining to the feature and information pertaining to the second feature includes color information describing the relative frequency of occurrence of colors in an object(i.e. feature computation is disclosed, providing data on the most frequently occurring colors using a histogram, column 16, lines 15-22).

Stan and Barber are analogous art because they are from the same field of endeavor of image query and retrieval. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 41, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose mapping of features.

However, Barber teaches information pertaining to the feature is mapped to information pertaining to the second feature (i.e. comparison of appended information from a second feature to an original feature, column 9, lines 40-61).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 42, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose combining feature information.

However, Barber teaches combine information pertaining to the feature for an additional reference object with the composite reference information to revise the composite reference information (i.e. the ability of the system to add features is done dynamically through drag and drop of images, column 5, lines 13-26).

Stan and Barber are analogous art because they are from the same field of endeavor of image query and retrieval. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 43 , Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose comparing features.

However, Barber teaches the additional reference is a media object identified by comparing the composite reference information to information pertaining to the feature for each respective one of the plurality of media objects (i.e. comparing composite reference information to features of a plurality of media objects, column 9, lines 47-61).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 44, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose comparing reference information.

However, Barber teaches compare the revised composite reference information to information for the feature for each of a second plurality of media objects in the collection of media objects (i.e. comparing a revised composite reference to a plurality of media objects, column 9, lines 47-61, and column 10, lines 34-38).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so

would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 45, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose comparing all the same features of objects.

However, Barber teaches instructions to compare the composite reference information to information pertaining to the same feature for each respective one of a plurality of media objects in a collection of media objects include instructions to assign a similarity value (i.e. similarity value is assigned, column 14, lines 44-67) to each respective one of the media objects in the collection of media objects, each similarity value indicating the similarity of the information for the media object and the composite reference information (i.e. correlation of similarity score between media composite reference and media object, column 16, lines 61-67, and column 17, lines 1-14).

Stan and Barber are analogous art because they are from the same field of endeavor of image query and retrieval. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 46, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose a specific way to compare similarity values.

However, Barber teaches each similarity value of each of the media objects in the collection of media objects is less than or equal to a similarity value calculated for each reference object (i.e. similarity measure equal to or less than a reference, column 17, lines 5-17).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 47, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose ranking the media objects.

However, Barber teaches rank the media objects according to their similarity values (i.e. images are ranked according to similarity to the query, column 16, lines 65-67, column 17, lines 1-4), and select one or more media objects in the collection of media objects based upon its rank (i.e. images are output according to their rank, which allows the user to select according to rank, column 17, lines 2-4).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 48, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose that the second feature is a feature vector component.

However, Barber teaches for each reference and media object, the information pertaining to the feature and the information pertaining to the second feature is expressed as a feature vector of components (i.e. corresponding data representations, in vector form, are used to represent features, column 6, lines 61-67, column 7, lines 13-25).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 49, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose a composite feature vector.

However, Barber teaches instructions to combine information pertaining to a feature and instructions to combine information pertaining to a second feature common to a plurality of reference objects include instructions to combine the feature vectors of the plurality of reference objects to produce a composite reference vector (i.e. combination of corresponding data representations by dragging and dropping images onto an image query window, which is not limited to the initial image, but can be edited using an edit function, column 7, lines 13-47, column 10, lines 34-38).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 50, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose metadata.

However, Barber teaches each feature vector includes one or more components representing metadata associated with the corresponding reference or media object (i.e. vectors are composed of reference object information, column 6, lines 61-66), and combining information pertaining to a feature and combining information pertaining to a second feature common to a plurality of reference objects includes combining components representing the feature or the second feature according to a first combination function and combining the one or more components representing metadata associated with each reference object according to a second combination function (i.e. combining feature information and representing metadata associated with each object, and an arithmetic or logical method can be used to combine images, column 10, lines 1-6).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so

would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 51, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose weighting.

However, Barber teaches define a weighting vector for the feature and the second feature, the weighting vector specifying a relative importance for the corresponding features (i.e. weighting feature, column 10, lines 15-33), wherein instructions to combine the feature vectors include instructions to use the weighting vector to specify a relative importance of the features (i.e. weighting determines importance, Fig 4).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 53, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose comparing the same features of objects.

However, Barber teaches instructions to compare the composite reference information to information pertaining to the same feature for each respective one of a plurality of media objects in a collection of media objects include instructions to compare the composite reference vector to a feature vector of each of the plurality of media

objects in the collection of media objects (i.e. similarity is determined by comparing information from various reference objects, column 2, lines 14-27).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 55, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose a combination function.

However, Barber teaches instructions to combine information pertaining to a feature common to a plurality of reference objects include instructions to use a combination function (i.e. image information combined arithmetically or logically, column 10, lines 1-6), instructions to compare the composite reference information to information pertaining to the same feature for each respective one of a plurality of media objects in a collection of media objects include instructions to use a comparison function that is based on the combination function (i.e. comparing reference information, column 8, lines 37-38).

Stan and Barber are analogous art because they are from the same field of endeavor of image query and retrieval. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42).

The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 56, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan also teaches combining includes combining the feature vectors of the plurality of reference objects using a Min or Max function to produce a composite reference vector (i.e. max function used for similarity values, page 382, lines 1-3), and comparing the composite reference information to information pertaining to the same feature for each respective one of a plurality of the media objects in the collection of media objects, wherein comparing includes comparing the composite reference vector to the feature vectors of each media object in the collection of media objects using a Min or Max function and assigning a similarity value to each media object in the collection of media objects, the similarity value indicating the similarity of the feature vector of the media object to the composite reference vector, where the similarity value of each of the media objects in the collection of media objects is less than or equal to a similarity value calculated for each reference object (i.e. max function used for similarity values, page 382, lines 1-3).Stan does not explicitly disclose how two or more features are combined as claimed.

However, Barber teaches combining information pertaining to two or more features common to a plurality of reference objects to produce composite reference information representing criteria for a search (i.e. to produce extra criteria for the search, the system allows the use of a drag and drop feature, column 5, lines 13-26), wherein the information is expressed as a feature vector of components (i.e.

corresponding data representations, in vector form, are used to represent features, column 6, lines 61-67, column 7, lines 13-25).

Stan and Barber are analogous art because they are from the same field of endeavor of image query and retrieval. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 58, Stan teaches Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose comparing all the same features of objects.

However, Barber teaches means for comparing the composite reference information to information pertaining to the same feature for each respective one of a plurality of media objects in the collection of media objects includes means for assigning a similarity value (i.e. similarity value is assigned, column 14, lines 44-67) to each respective one of the media objects in the collection of media objects, each similarity value indicating the similarity of the information for the media object and the composite reference information, wherein the similarity value of each of the media objects in the collection of media objects is less than or equal to a similarity value calculated for each reference object (i.e. correlation of similarity score between media composite reference and media object, column 16, lines 61-67, and column 17, lines 1-14).

Stan and Barber are analogous art because they are from the same field of endeavor of image query and retrieval. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

With respect to claim 59, Stan teaches an image search and retrieval system, (page 378, lines 36-43). Stan does not explicitly disclose a composite feature vector.

However, Barber teaches means for combining information pertaining to two or more features common to a plurality of reference objects to produce composite reference information representing criteria for a search (i.e. to produce extra criteria for the search, the system allows the use of a drag and drop feature, column 5, lines 13-26), wherein the information is expressed as a feature vector of components and means for combining includes means for combining the feature vectors of the plurality of reference objects to produce a composite reference vector (i.e. corresponding data representations, in vector form, are used to represent features, column 6, lines 61-67, column 7, lines 13-25), and means for comparing the composite reference information to information pertaining to the same two or more features for each respective one of a plurality of media objects in a collection of media objects, wherein the means for comparing includes means for comparing the composite reference vector to the feature vectors of each of the media objects in the collection of media objects (i.e. to produce

extra criteria for the search, the system allows the use of a drag and drop feature, column 5, lines 13-26).

Stan and Barber are analogous art because they are from the same field of endeavor of image query and retrieval. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Stan with the teachings of Barber in order to retrieve images from a database, (Barber, column 2, lines 37-42). The motivation for doing so would have been to build a visual query based on image content to retrieve similar images, (Barber, column 2, lines 64-67).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEXANDRIA Y. BROMELL whose telephone number is (571)270-3034. The examiner can normally be reached on M-F 9 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alexandria Y Bromell
Examiner, Art Unit 2167
February 27, 2009

/S. A. A./
Primary Examiner, Art Unit 2162

/John R. Cottingham/
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